

Attorney Docket No. 04236/LH

**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Hiroyasu JOBETTO et al

Serial No. : 10/826,039

Confirm. No.: 9104

Filed : April 16, 2004

For : SEMICONDUCTOR DEVICE AND
METHOD OF MANUFACTURING
THE SAME

Art Unit : 2814

Examiner : Nathan W. Ha

PETITION UNDER 37 CFR 1.313(c)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S I R :

Applicant hereby petitions to withdraw the above-identified application from issue for the reason set forth in 37 CFR 1.313(c)(2), namely, consideration of a Request for Continued Examination.

As required by MPEP 1308, one specific and significant defect in the allowed application is that claim 14 as allowed does not clearly recite that the upper conductors are "above" the upper insulating layer.

The RCE submitted herewith is being filed with an Amendment to correct claim 14.

This paper is being submitted via EFS-Web on February 5, 2007

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not already paid, authorization to charge the extension fee to Account No. 06-1378. In addition, authorization is hereby given to charge any fees for which payment has not been submitted, or to credit any overpayments, to Account No. 06-1378.

The fee of \$130 set forth in 37 CFR 1.17(h) is being paid by credit card herewith. In addition, authorization is hereby given to charge any fees for which payment has not been submitted, or to credit any overpayments, to Account No. 06-1378.

Favorable action on this Petition is respectfully requested.

If there are any comments, questions, objections or recommendations, please telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz
Reg. No. 33,902

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